

IFP DEMOCRATISATION CLUSTER

GOVERNANCE IN MINING ZONES IN NORTH AND SOUTH KIVU, DEMOCRATIC REPUBLIC OF CONGO

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EXECUTIVE SUMMARY

Much of what is generalised as “the conflict in the DRC” results from a pattern of behaviour which brings great benefits to a limited number of people while marginalising the majority of the population from political decision-making and economic opportunity. Many of the beneficiaries are powerful as individuals within state structures and/or as leaders of societal groups. In contrast to common typecasting of the DRC, the common denominator of the multiple conflicts is not so much ethnicity as the struggle for economic or political gain, around which ethnic identity is manipulated.

This pattern is evident with respect to the governance of the country’s natural resources. In the mining zones, a complex and fairly well-organised system exists which, far from the picture of chaotic “lack of capacity” that the international community tends to attribute to the Congolese state, suggests that where economic interests and power converge, there is a high degree of organisation to profit from the country’s natural resources.

In such a context, the international community needs to urgently rebalance its approach to development. “Traditional” external donors tend to concentrate on directly pressuring the Congolese government actors to behave in particular ways, often offering technical support to ensure the promised implementation of nominal reforms. In the mineral sector, for example, donors press for new government policies, new central legislation and strengthened formal institutions of the state.

These donors need, however, to take a step back to assess whether their heavily funded engagement in the DRC is improving the situation on the ground or if, perhaps, it is providing an incentive for continued failure, i.e. the weaker the government appears, the more certain that the cheques from donor capitals will continue to be written.

Although “governance” is a key pillar of donor strategies in the DRC, little has been done to try and modify the personal, economic and political incentives that underpin the behaviour of politicians, policy-makers, businessmen or taxpayers. The overarching, long-term priority needs to be on how to *help build the conditions* which will make it most likely that the Congolese state will govern in a manner that benefits and is responsive to its people. In particular, donors should consider:

- Recalibrating their relationship with the central government;
- Providing more assistance to provincial and local governance capacity-building, particularly in support of the implementation of the planned decentralisation process;
- Helping develop not only the capacity of political leaders and the voice of civil society, but also the channels of communication between the two so that they listen to one another; and
- Increasing investment in initiatives that strengthen people’s awareness of, and access to, their democratic institutions and processes so that they can hold their leaders to account. This kind of support can be integrated into many types of ongoing existing development assistance.

INTRODUCTION

The governance of the DRC's natural resources has been the subject of numerous research reports and policy debates in donor capitals. These reflect an important increase in global attention to how aspects of the global environment exacerbate governance problems in poor countries and drive instability within regions.

Within the DRC and across the wider region, externally funded initiatives are underway to try to reform the system(s) of natural resource exploitation. Donor institutions want to help ensure that mineral wealth is used to drive broad-based economic growth. Much of this effort is targeted at changing legislation, improving policies and strengthening government institutions.

Rather than focusing on formal outward expressions of governance in the natural resource sector, this briefing note explores the factors that shape relations between the “rulers” and the “ruled” in the mining areas of North and South Kivu. It looks particularly at how the relationship of accountability between leaders and citizens at the local level is affected by the mineral trade. On the basis of this analysis, the note recommends a new approach to governance in the DRC that gives greater priority to building and nurturing democratic accountability.

After years of international involvement in the DRC, it is clear there are no “quick fixes” to the country's fundamental, systemic problems. Better governance must be driven by the Congolese people (albeit supported by external investment) over the long term. Donor institutions, therefore, need to break out of standard operating practices in which investments are supported within two-, three-, or five-year project cycles.

Questions of governance in the DRC are very complex, and have no easy answers. As such this report contains analysis and suggestions which we hope will be useful to others, a step on the road towards better solutions, rather than a fully-formed understanding of either the context or the best way forward.

METHODOLOGY

Under the Initiative for Peacebuilding,¹ International Alert and partner organisation *Laboratoire d'Economie Appliquée au Développement de l'Université Catholique de Bukavu* (LEAD-UCB) carried out field research in North and South Kivu provinces in April–May 2009. A number of interlocutors were interviewed, including provincial and local government officials, civil society members, village residents, commercial actors and UN and international actors in eastern DRC and Kinshasa. Focus groups were convened in Bukavu, Uvira and several village locations.² This work followed on from a deeper research project by Alert during 2008 on democratisation and local governance processes in South Kivu.³

1 For more information about the consortium's work, see www.initiativeforpeacebuilding.eu.

2 The research team faced some difficulties in accessing the mining areas due to armed group activity in the surrounding areas which was apparently heightened as a result of the imminent FARDC-MONUC joint operations. LEAD was ultimately able to conduct a field study in Kamituga, South Kivu, to supplement information gathered in Goma, Bukavu and other parts of the Kivus.

3 J. Smith (2009). *Democratisation and good governance in the Democratic Republic of Congo: A case study of South Kivu Province*. London and Brussels: International Alert and the Initiative for Peacebuilding. A key conclusion was that, in order to lead to real governance reform, accountability needs to be built from the “bottom up” rather than constructing it primarily through “top down” approaches, even if the former is much more difficult.

GOVERNANCE IN THE MINING AREAS

In the DRC, entrenched elite interests operate behind, through and alongside a façade of formal state institutions. There is no “rule of law” that would be recognisable to a western observer and it makes little sense to think in terms of “legal” and “illegal”. The mineral trade in the eastern DRC is a case in point. Despite a discourse that formally distinguishes between “state” and “non-state” actors, and among distinct identity groups, the trade is in fact characterised by a surprising degree of cooperation, coordination and organisation among elite individuals in different groups. Indeed the mines themselves can be described as islands of relative stability surrounded by areas of anarchic violence. They operate under a sort of *quid pro quo* where “protection” is provided in exchange for payment of taxes, albeit in a non-consensual and exploitative arrangement.

There are four key social, economic and political dynamics in the mining areas that affect relations between government authorities and citizens, which in turn impact on the actual and potential governance picture. These dynamics include taxation and oversight, the economic interests and incentives of leaders, manipulation of social relations and the involvement of the international community. In different ways, each dynamic represents both challenges and opportunities for improving state-society relations.

TAXATION AND OVERSIGHT

The relationship between state authorities and citizens at the local level in the Kivus is strongly defined by the system of taxation, which can at times be formal or informal, legal or illegal in nature. In Uvira, women small business owners reported having to pay 24 different taxes to a confusing array of government and military officials, from those running the local market up to the *Administrateur du Territoire*. Illegal taxation of the mining trade, in particular by the Congolese military and armed groups, has been identified as a major obstacle to reforming the sector and to ending the conflict in the east.⁴ In addition to funding armed groups, it is clear that taxes, whether legal or illegal, are not being used to benefit the Congolese population.

Work on taxation and governance by the Institute of Development Studies (IDS) found that while governments that are not reliant on tax revenues may be less accountable to their citizens, coercive taxation may also poison relations between the two.⁵ Instead of strengthening the relationship between the citizen and the state, the participants in one focus group in Kamituga felt that the system of taxation in the mining sector weakened the role of local state agents, as traders began to feel hassled by and suspicious of the authorities, and so increasingly attempted to ignore them.

One group of *négociants*⁶ in Bukavu said they wanted the government to take steps to improve the economy and set up value-added industries within the DRC, however, they made no connection between these things happening and the tax money they paid. They said they paid taxes to keep the government “off their backs”, not to get anything in return. When asked if they ever used their tax payments as leverage to pressure leaders to deliver public services, the *négociants* suggested that campaigning on such issues was for NGOs, not businessmen. According to a different source, only the “small people” paid taxes, while the bigger, more powerful people were kept happy by being allowed to avoid them. It goes without saying that unless taxpayers *expect* the

4 The “militarisation” of the mineral trade has been extensively documented by the United Nations, Global Witness and others.

5 See M. Moore and S. Unsworth (2007). *How does taxation affect the quality of governance?* Institute of Development Studies (IDS), Policy Briefing, No. 34.

6 *Négociants* are middlemen who buy minerals from the mining areas and sell to *comptoirs*, the designated trading houses.

state to deliver services in exchange for their taxes, then relationships around taxation are likely to always remain coercive and will not ultimately strengthen accountability.

Building positive expectations of government is an enormous challenge in the DRC and the patchy and/or flawed implementation of decentralisation has in some ways made it more difficult to achieve this. At the time of writing, 40 percent of national receipts, much of which would potentially come from mining taxation, are meant to be retroceded by Kinshasa to the provinces in accordance with the constitution.⁷ This provision has not yet been implemented and it appears that the actual level of retrocession from Kinshasa to the provincial governments remains much lower, perhaps under 10%.⁸

Attempts by civil society in South Kivu to monitor the percentage of the provincial budget dedicated to social services met with few results as the provincial government simply replied that it did not have any money to respond to citizen concerns. According to one local civil society organisation that works on this issue, the lack of retrocession means that the provincial and local authorities do not feel responsible for the problems in their respective entities, frequently telling the population that they cannot be held accountable. One assistant *Administrateur du Territoire* interviewed for this study even said that the European Union should come and 'save the local population'. The civil society organisation also thought that some local authorities took advantage of this situation, wherein they faced neither pressure from the population nor oversight from Kinshasa. A number of civil society members in the east felt they were not able to put meaningful pressure on leaders in Kinshasa more than a thousand miles away.⁹

The fact that, in the formal system of mining, most of the mining taxes that are collected, for example by state customs agents at the border areas, go to Kinshasa means it is difficult-to-impossible for people at the local level to monitor what happens to them.¹⁰ The only formally legal export tax that is explicitly for the *Entités Territoriales Décentralisées* (Decentralised Territorial Entities or ETDs) is 1% of the export value of the minerals.¹¹ This obligation to remit such a high proportion of officially collected revenues to the centre also means that provincial and local authorities have little incentive to increase legal tax collection. They may rather be encouraged into informal exactions on the population to get around the formal "rules". Such behaviour in turn lowers people's expectations of the state even further. Because of the general lack of accountability (on both the demand and supply sides), the taxes collected by local authorities, which stay at the local level, do not contribute to community development any more than those collected by the central government. According to almost everyone interviewed, there is no apparent reinvestment of mining proceeds in provincial- or local-level public services or infrastructure.

With respect to the military's taxation of the mineral trade, even with the recent peace agreements of March 2009 and the integration of the CNDP rebel group into the *Forces Armées de la République Démocratique du Congo* (Armed Forces of the DRC or FARDC), it seems very little has changed on the ground. According to some analyses, the ex-CNDP may have simply formalised its economic control over certain areas, having exchanged uniforms from that of a rebel army to that of a national army.¹² According to one United Nations official, it seems taxation has become such a lucrative endeavour that many of the armed groups in the Amani process requested tax-related posts in the government. In this sense, efforts to "extend state authority" by strengthening the capacity and reach of the FARDC as a key part of this strategy, are unlikely to change the reality of taxation for people on the ground.

7 Article 175 of the Constitution. Article 242 of the Mining Code (2002) also says that mining revenues are to be shared between the central government (60%), the provincial government where the mining took place (25%) and the village or territory where the mining took place (15%).

8 Author interview, Division of Mines, Bukavu, May 2009.

9 The relationship between physical proximity and democratic accountability is discussed in more detail in J. Smith (2009). Op.cit.

10 It must also be said that significant portions of the mineral trade escape taxation altogether through smuggling or bribing of customs officials. See for example A. Tegera and D. Johnson (2007). *Rules for sale: Formal and informal cross-border trade in Eastern DRC*. Goma: Pole Institute.

11 Author interview, Division des Mines, Goma, May 2009.

12 See for example International Crisis Group (11th May 2009). *Congo: Five priorities for a peacebuilding strategy*, Africa Report No. 150, p.8.

ECONOMIC INTERESTS AND INCENTIVES OF LEADERS

In the mining zones, a complex and fairly well-organised system exists which, far from the picture of chaotic “lack of capacity” that the international community tends to attribute to the Congolese state, suggests that where economic interests and power converge there is a much higher degree of capacity for organisation than the normal typecasting of the DRC would imply. In the course of this study, people repeatedly referred to the control of individual mining pits or other mining-related interests by powerful business, military and political leaders at the provincial and national levels, even naming names in some cases.¹³ One report estimates that as much as 70% of the value added in mining in North Kivu accrues to “big men” in business, military and politics.¹⁴

While schools and health centres may be falling apart due to chaotic mismanagement of limited funds, the complex system of patronage in the mining areas seems to be characterised by relatively effective systems whereby different individuals have specific and clear roles in a general hierarchy. An international observer in Goma said that the local authorities were under the strong influence of individuals in Kinshasa and Goma, and refer back to them all the time, making it difficult for the different actors to contravene the mutually-understood rules or “opt out” of the system. According to one observer, there were only consequences for exploitative behaviour if you did not share with your superiors.

Control of mines by individuals operating remotely but who secure their interests through their authority over military or armed group detachments present on-site suggests a level of organisation, command and control, discipline and chain of payments both up and down the hierarchy that must be in place for the system to function successfully. The 2002 Final Report of the United Nations Panel of Experts said, on the withdrawal of foreign armies from the DRC, ‘The looting that was previously conducted by the armies themselves has been replaced with organized systems of embezzlement, tax fraud, extortion, the use of stock options as kickbacks and diversion of State funds conducted by groups that closely resemble criminal organizations’.¹⁵

Although the political and security situation has evolved since 2002, the underlying systems of exploitation have not changed. One international observer interviewed in Goma highlighted the example of the 85th non-integrated brigade that occupied Bisie mine in Walikale from 2006 to 2009 and the government’s previous claims that it could not control the brigade’s behaviour. After the rapprochement between Kinshasa and Kigali that led to Nkunda’s arrest, the DRC-Rwanda joint operations and the integration of the CNDP into the FARDC, the DRC government negotiated the partial withdrawal of the 85th brigade to make way for an “integrated” FARDC brigade made up of ex-CNDP combatants.¹⁶ According to one mining company official in Goma, Kinshasa removed the 85th brigade not to dismantle the exploitation system but to make way for another brigade. This example suggests a number of things, notably (i) that where possible political leaders seem to be using mining sites as assets for patronage to be used as leverage in political negotiations and horse-trading and (ii) that leaders in Kinshasa probably have more ability to control the FARDC than they acknowledge in cases where controlling the military’s behaviour is essential to their interests.

The 2002 Panel of Experts report also found that ‘the elite networks ensure the viability of their economic activities through control over the military and other security forces that they use to intimidate, threaten violence or carry out selected acts of violence’.¹⁷ The “deal” resulting in ex-CNDP access to mining sites in North Kivu, shows that Congolese leaders are still prepared to tolerate the existence of such exploitative networks in exchange for their own survival. De-militarisation of the mining sites therefore ultimately depends not simply on technical approaches to army reform such as salary payments and barracks-building (though these may still

13 The UN Panel and Group of Experts reports name some individuals as well, but there are undoubtedly networks of individuals the Group of Experts was unable or not mandated to uncover. In their 2002 Final Report, the Panel discusses these networks in more detail saying: ‘The networks consist of a small core of political and military elites and business persons and, in the case of the occupied areas, selected rebel leaders and administrators’. Final Report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, United Nations, S/2002/1146, 16th October 2002, p.6.

14 N. Garrett (2007). *The Extractive Industries Transparency Initiative (EITI) & Artisanal and Small-Scale Mining (ASM): Preliminary observations from the Democratic Republic of the Congo (DRC)*, EITI, Draft mission report, 22 October, p.20.

15 Final Report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, United Nations, S/2002/1146, 16th October 2002, p.6.

16 Interim Report of the Group of Experts on the Democratic Republic of the Congo, United Nations, S/2009/253, 18th May 2009, p.10.

17 Final Report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, United Nations, S/2002/1146, 16th October 2002, p.7.

be important), but on eliminating politicians' ability to use the military to further their own individual economic or political agendas.

The allegations that local and provincial politicians were benefitting from mining revenue, not only through taxation but also through kickbacks or business interests, has important implications for the regulation of the trade. Provincial and local authorities would theoretically resist regulatory or budget transparency measures if it meant their revenue would be subject to public scrutiny. If the pattern in the DRC from Mobutu to the transition and through to the present has been for state leaders to give access to minerals in exchange for political or security backing (in the case of Zimbabwe during the war) or to co-opt erstwhile enemies (in the case of CNDP integration), then transparency in the system is of little interest to the elite members who are behind the façade of formal state institutions. This, therefore, provides a strong disincentive to implement reform measures.

The extent to which the individuals who must implement reforms are the very ones benefitting from the current unregulated situation needs a great deal more attention. The World Bank's *Growth with Governance* report discusses such conflicts of interest and encourages a policy of disclosure.¹⁸ But there are many ways for politicians to get around this. It would be far better for there to be an independent audit into the extent of personal financial interests in the mineral trade among politicians, including those with personal or family ownership stakes in businesses and those receiving kickbacks from commercial actors. This information should then be made public before the next round of elections.

In a country in which many in the governing elite benefit from the existing system of mineral exploitation, donors need to be careful that their assistance does not help those elite networks simply to further increase their power, wealth and prestige. There are undoubtedly certain Congolese politicians who are interested in improving the standard of living of the population rather than enriching themselves and maintaining the loyalty of their "clients". But for the democratic process to succeed in making leaders accountable, it is imperative that the public is armed with the tools and the knowledge to be able to tell the difference. In this way, the population can itself begin to drive changes in the way in which power is wielded and the access people have to economic opportunity.

MANIPULATION OF SOCIAL RELATIONS

Relations between ethnic groups in the Kivus are often characterised by tension. In a highly complex landscape of social interactions and state-society relations, ethnicity is often used as a tool to mobilise people around an economic agenda, a tactic especially prominent in mining areas. In the mining pits, individuals from different tribes and regions work side by side. But ethnicity becomes a source of tension when different individuals or groups (both civilian and military) manipulate communities in order to gain or maintain territorial control for economic purposes. For example, a customary chief may allow youths to dominate a mineral-rich area and collect taxes by saying they are "protecting the homeland" from outsiders. Armed groups do the same. In early 2009, ex-CNDP were still reported to be taxing the population to fund their "brothers" in the FARDC who were not getting paid.¹⁹

One civil society organisation that carried out a study on Kinshasa's involvement in South Kivu politics found that some Kinshasa politicians used ethnicity to mobilise armed support in the places they came from, in order to increase their political profile in the capital. Politicians seem to gain status in Kinshasa by having a militia to "protect" their territory back home. As one civil society member put it, '*plus tu as une milice, plus tu es considéré*' (the bigger your militia, the more respect you will get). At the same time, given the lack of a formal, transparent banking system or system of legal enforcement of contracts (such as in more developed countries), people tend to go into business with those they trust or know personally. This has led to the "specialisation" of some aspects of the mining trade among certain ethnic groups.²⁰

But that is only part of the picture. If economic gain is to be had from cooperation rather than confrontation, then different ethnic groups often collaborate, including those otherwise thought to be hostile towards one another.

18 World Bank (2008). *Democratic Republic of Congo: Growth with governance in the mining sector*. Report No. 43402-ZR, p.30.

19 Author interview with an international NGO official, Goma, May 2009.

20 Initiative for Central Africa (INICA) (2007), 'Natural resources and trade flows in the Great Lakes Region', Phase 1 Report, Kigali, p.30.

There were numerous anecdotal reports of “enemy” groups collaborating in the mineral trade, notably FDLR and Tutsi businesspeople working together.²¹ Disputes over ownership of mining areas were also known to arise between different members of the same ethnic group.

The common denominator in these conflicts therefore seems not to be ethnicity but the struggle for economic or political gain, around which ethnic identity is manipulated. The focus groups in South Kivu revealed that people in rural areas to some degree felt they were being manipulated. But they felt they lacked some of the basic defences against such manipulation, for example education, access to impartial and reliable information and a general awareness of their rights as citizens.

THE INVOLVEMENT OF THE INTERNATIONAL COMMUNITY

The international community has made significant efforts over the years to respond to the crisis in eastern DRC. In addition to the US\$1.35 billion per year the international community currently spends on the UN peacekeeping mission MONUC, Congo received US\$1.2 billion in overseas development assistance (ODA) in 2007 and US\$2 billion in 2006.²² While this has been a well-intentioned and costly effort, improvements on the ground equivalent to the investment remain harder to discern. As one World Bank official said, ‘What happens to money in the DRC is the number one question all donors have’.²³

In such a situation, the international community should consider taking a step back to assess whether its engagement in the DRC with such large sums of money is improving the situation on the ground or if perhaps it may be providing an incentive for continued failure, i.e. the weaker the government appears, the more certain that the cheques from donor capitals will continue. Good intentions on the part of the government, a necessary pre-requisite for donors to approve funds, are never in short supply. Implementation of those intentions, however, is consistently delayed for a variety of reasons, from weak capacity, to the conflict in the east, to the international financial crisis.

One of the biggest problems facing Congolese people in the east today, the indiscipline and marauding nature of armed groups, especially the FARDC, has proved impossible for the international community to resolve. As the Congolese government prioritises the need for operational equipment over the democratisation of the security forces and exercises selective command and control (as discussed above), the international community finds itself unwilling or unable to present a united front to push its reform agenda, with bilateral interests competing with multilateral interests for primacy.²⁴ The Congolese government signs on to endless agreements and declarations while continuing to use senior positions in the armed forces and access to economic exploitation of the population as something to be leveraged in closed-door political deals.

The international community also inadvertently provides a convenient excuse for the government. In theory, a government whose army has so endangered the welfare of the population should have no political support whatsoever. However, the fact that FARDC soldiers fired shots at a MONUC base early last year allegedly over non-payment of their salaries shows that issues of organisation and discipline are being laid at the feet of the international community. Indeed, when FARDC operations against the FDLR in the Kivus result in civilian casualties, the familiar refrain from national and international actors alike is for MONUC to “do more” to protect them.

The significant involvement of the international community in security issues has indeed helped bring about certain improvements, such as the ongoing and much-needed reform of the chain-of-payments process, but has inadvertently skewed the critical question of democratic accountability over the control and use of force. The international community may think the government is first and foremost responsible for providing security to its people, but this is probably not how the public sees it. The perception – that the international community is (a) to blame for the country’s security problems and (b) responsible for finding, and funding, the solutions – is one that must actively be countered.

21 Author interview, an international observer, Goma, May 2009.

22 OECD-DAC figures, available at <http://www.oecd.org/dataoecd/18/31/1901167.gif>, accessed 25th June 2009.

23 Author interview, Washington DC, 11th June 2009.

24 See for example S. Melmot (September 2008). *Candide au Congo: L'échec annoncé de la réforme du secteur de sécurité (RSS)*, IFRI, Focus stratégique No. 9, pp.21–22.

This is not to suggest that what the international community is trying to do in the DRC is at all easy. “Forceful stands” taken by western governments are often not appreciated, as evidenced by the diplomatic row in spring of 2008 between the Belgian Foreign Minister Karel De Gucht and President Kabila.²⁵ But the idea that the status quo, i.e. where the international community insists on change then is rebuked for insisting too much, will somehow lead to major systemic reform of the kind needed to resolve the entrenched governance problems in the DRC, seems fairly unrealistic. The “accountability” that DRC’s leadership had to donors during the transition has diminished with sovereign democratic legitimacy, and it has not been replaced by accountability to the population, as leaders take advantage of their access to the country’s wealth and the population’s lack of education and awareness of its rights. Therefore, international support to national-level democratic institutions that ignores or underplays the critical accountability relationship between the government and the wider population (especially in rural areas where the majority of the electorate lives) will only serve to strengthen an unresponsive elite, in turn contributing to the weakening of the state-society relationship even further.

25 Reuters, ‘Congo recalls Belgium envoy in diplomatic row’, 24th May 2008, available at <http://www.alertnet.org/thenews/newsdesk/L24377931.htm>, accessed 23rd June 2009.

WHAT CAN BE DONE?

As one civil society representative in Bukavu said, 'The only way to break the elite's hold on power is by the grassroots'. If the government knows the international community is unable to exert real pressure and if domestic political opponents can be isolated (as with Vital Kamerhe, the former Speaker of the National Assembly), intimidated (as with journalists) or co-opted (an accusation often made against civil society representatives), what incentive does the government have to act in the best interests of the population?

"Strengthening civil society" in order to create demand for governance is a common objective of development actors and, while this is not a bad place to start, civil society organisations are limited in the extent to which they can mobilise public opinion on a scale large enough to threaten the elite with genuine consequences for their actions. Moreover, some of them are organised along narrow identity lines and are occasionally set up to help "launch" a powerful individual into politics. Although an active civil society is still critical, creative thinking is needed to capitalise on the undercurrents of dissatisfaction in the rural areas to create enough pressure on the government for it to change its calculations about how it can remain in power, i.e. to move from a system of survival through patronage among a select few, to survival by delivery of benefits to the majority.

Political change also depends not only on how the "set-pieces" of democracy (like elections) are conducted, but on the political culture in which they take place. Within the international community, there has been much less noise and momentum around local elections compared to the presidential elections of 2006, although many still see elections as a viable strategy to develop accountability between the state and citizens. Yet, where elections are won due to patronage, identity, intimidation or fraud, they will not have a net positive effect on accountability. On the contrary, they risk entrenching the very behaviour "accountability" is meant to eliminate.²⁶ As one civil society representative in Goma said, 'If people are elected through clientelism, they are not going to end it'.²⁷

The good news, however, is that there seems to be a growing "*prise de conscience*" (or level of "awareness") among the rural population; the focus groups for this study reported that people felt they voted in 2006 based on the wrong reasons. If the international community could help facilitate this type of growing political awareness, it would be a significant contribution towards building the conditions for long-term democratic accountability in the country.

RECOMMENDATIONS FOR DONORS

The overarching, long-term priority needs to be on how to *help build the conditions* which will make it most likely that the Congolese state will opt to govern in a manner that benefits its people. The challenges inherent in this agenda in the DRC are immense and the time horizon should be at least a generation. Donors must start by putting the country's fate into the hands of more of the Congolese people than simply those in government. This briefing note emphasises the following strategic priorities, in particular.

RECOMMENDATION 1: DONORS SHOULD RECALIBRATE THEIR RELATIONSHIP WITH THE CENTRAL GOVERNMENT.

In a country in which many of the governing elites benefit from the existing system of mineral exploitation, donors need to be careful of the extent to which their assistance helps those elite networks to entrench their power,

²⁶ J. Smith (2009), p.22–23.

²⁷ Author interview, Goma, May 2009.

wealth and prestige. A new relationship should be based on a more realistic assessment of the government's capabilities and genuine interests, and of what conditions are most likely to bring about political change. This is difficult and complicated, and the right donor approach must be designed and implemented with great care and consultation. But if donors are sincere about supporting a more responsive and accountable governance, they must review their relationships with elites and recalibrate them accordingly.

RECOMMENDATION 2: DONORS SHOULD PROVIDE MORE ASSISTANCE TO PROVINCIAL AND LOCAL GOVERNANCE CAPACITY-BUILDING, PARTICULARLY IN SUPPORT OF THE IMPLEMENTATION OF THE PLANNED DECENTRALISATION PROCESS.

Progress in this area is a necessary precursor to implementing the constitutional requirement for retrocession of 40% of national tax receipts to the provinces, which is a key part of the accountability equation. At the same time as building local governance capacity, donors should strengthen local transparency and accountability measures to avoid simply displacing national corruption problems to the local level. Capacity development in the provinces and sub-localities must involve formal and informal institutions, multiple civil society organisations as well as the population at large. An integrated approach that brings them together is key.

A combined push for the implementation of Article 175 of the Constitution (on decentralisation) should be a priority and may need to be made a condition for continued financial support to the central government. Concrete progress – based on a realistic and long-term plan – towards implementing decentralisation can go a long way towards increasing citizens' ability to monitor the actions of their elected leaders.

RECOMMENDATION 3: DONORS SHOULD HELP DEVELOP NOT ONLY THE CAPACITY OF POLITICAL LEADERS, ON THE ONE HAND, AND THE VOICE OF CIVIL SOCIETY ON THE OTHER, BUT ALSO THE CHANNELS OF COMMUNICATION BETWEEN THE TWO SO THAT THEY LISTEN TO ONE ANOTHER.²⁸

Donors should aim to increase the breadth and depth of interactions between the rulers and the ruled. Mechanisms such as Town Hall meetings should be supported with funding and expert facilitation so that the people with little or no experience with responsive governance can begin to confront and question leaders.

As an initial step, the personal and family mining interests of politicians should be researched and published through an independent audit before the next elections. It should be recognised that disclosure and other transparency measures are likely to be most successful in cases where the public has the political awareness to think about and act on the information.

RECOMMENDATION 4: DONORS SHOULD INCREASE INVESTMENT IN INITIATIVES THAT STRENGTHEN PEOPLE'S AWARENESS OF, AND ACCESS TO, THEIR DEMOCRATIC INSTITUTIONS AND PROCESSES SO THAT THEY CAN HOLD THEIR LEADERS TO ACCOUNT.

Long-term change will rely on improvements in basic education, including on issues of citizenship and rights in a democratic society. One report on the DRC's education sector found that 'international support for education is for the most part limited to short-term projects and the provision of infrastructure (schools and equipment) rather than longer-term systemic support'.²⁹ Education is a decentralised competence and so would also benefit from support to local governance more generally.

A balanced, extensive flow of information is also vital for strengthening accountability relationships and therefore transforming leaders' incentives. While radio is important given high illiteracy rates, newspapers provide a permanent reference of the commitments made by government officials that can be shared and discussed with others and referred back to. There are currently few newspapers available in eastern DRC and, across the country, those that exist have sometimes been known to carry incendiary articles with little grounding in the facts. Donor support to professional journalism could, therefore, be scaled up.

²⁸ The Overseas Development Institute (ODI) has done important work on citizen voice and accountability issues. See for example *Citizens' voice and accountability: Understanding what works and doesn't work in donor approaches*. A Briefing Note, February 2009.

²⁹ AfriMAP and the Open Society Initiative for Southern Africa, Open Society Institute (2009). *The Democratic Republic of Congo: Effective delivery of public services in the education sector*, Discussion Paper, p.11.

This kind of citizen awareness- and media-related support can be integrated into many types of ongoing development assistance both as an explicit and indirect outcome of projects. For example, on the one hand, investment in infrastructure and access through building or improving roads can help facilitate an exchange of people, information and ideas with urban leaders and civil society. If combined with other measures, it can also help to break armed groups' control over trade in isolated areas. At the same time, the *process* in which the roads are selected, labour is recruited and communities monitor performance can improve social cohesion and get people involved in governance. And by involving large numbers of Congolese NGOs in their programmes, donors would be increasing the political awareness and potential for policy activism within society.

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